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9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,) CASE NO. CR 16-00457 JSW (KAW)
14 Plaintiff,)
15 v.) STIPULATION AND PROPOSED ORDER
) EXCLUDING TIME FROM OTHERWISE
16 ANTONIO ENRIQUE CERVANTES,) APPLICABLE SPEEDY TRIAL ACT
a/k/a "Chacho,") CALCULATION
17 AARON PEREZ CERVANTES,)
JUAN JOSE PLAZOLA-CARRILLO,)
18 GUILLERMO CERVANTES-PEREZ,)
ESTEBAN POLANCO,)
19 ANTONIO JOSE CERVANTES,)
a/k/a "Tonito.")
20 Defendants.)
21)

22 **STIPULATION**

23 IT IS HEREBY STIPULATED by the parties, through undersigned counsel, that:

24 1. On December 1, 2016, defendants Antonio Enrique Cervantes, Aaron Perez Cervantes,
25 Juan Jose Plazola Carrillo, Guillermo Cervantes-Perez, Esteban Polanco, and Antonio Jose Cervantes
26 appeared before the Court for their initial appearance and appointment of counsel. Juan Jose Plazola-
27 Carrillo was present and in custody and represented by Suzanne Morris. Esteban Polanco was present
28 and in custody and was represented by Philip Schnayerson, who specially appeared for Jessie Garcia.

FILED

DEC - 6 2016

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

1 Assistant United States Attorney Michael Maffei appeared for the Government. The parties agreed on
2 conditions of release for defendants Plazola-Carrillo and Polanco, and also that this case should be
3 scheduled for a status date before the District Court on Tuesday, January 24, 2017, with time excluded
4 from December 1, 2016, through and including January 24, 2017. Accordingly, with the parties'
5 agreement as to the new date, the Court scheduled a status date for January 24, 2017 at 1:00 p.m., with
6 the understanding that the parties would submit a Stipulation and Proposed Order excluding time. The
7 Court also continued the cases for defendants Antonio Enrique Cervantes, Aaron Perez Cervantes,
8 Guillermo Cervantes-Perez, and Antonio Jose Cervantes to allow for the appointment of counsel.

9 2. On December 2, 2016, defendants Antonio Enrique Cervantes, Aaron Perez Cervantes,
10 Guillermo Cervantes-Perez, and Antonio Jose Cervantes appeared before the Court for their initial
11 appearance and assignment of counsel. Antonio Enrique Cervantes was present and in custody and
12 represented by Linda Fullerton. Aaron Perez Cervantes was present and in custody and represented by
13 Charles Woodson, who specially appeared for Erick Guzman. Guillermo Cervantes-Perez was present
14 and out of custody and represented by Martha Boersch. Antonio Jose Cervantes was present and in
15 custody and represented by Assistant Federal Public Defender Angela Hansen. Assistant United States
16 Attorney Michael Maffei appeared for the Government. The parties agreed that this case should be
17 scheduled for a status date before the District Court on Tuesday, January 24, 2017, with time excluded
18 from December 1, 2016, through and including January 24, 2017.

19 3. Accordingly, with the parties' agreement as to the new date, the Court scheduled a status
20 date for January 24, 2017 at 1:00 p.m., with the understanding that the parties would submit a
21 Stipulation and Proposed Order excluding time.

22 4. The parties now formalize their request for a continuance of this matter to January 24,
23 2017 at 1:00 p.m. for a status hearing, and respectfully submit and agree that the period from December
24 1, 2016 through and including January 24, 2017 at 1:00 p.m. should be excluded from the otherwise
25 applicable Speedy Trial Act computation because the continuance is necessary for effective preparation
26 of counsel, taking into account the exercise of due diligence. Specifically, the time requested for
27 exclusion will allow the defense attorneys to review the discovery in this case.

28 //

1 IT IS SO STIPULATED.

2
3 DATED: December 5, 2016

BRIAN J. STRETCH
United States Attorney

4
5 _____
6 /s/
7 MICHAEL MAFFEI
8 Assistant United States Attorney

9
10 DATED: December 5, 2016

11 _____
12 /s/
13 LINDA FULLERTON
14 Counsel for the Defendant Antonio Enrique
15 Cervantes

16
17 DATED: December 5, 2016

18 _____
19 /s/
20 ERICK GUZMAN
21 Counsel for the Defendant Aaron Perez
22 Cervantes

23
24 DATED: December 5, 2016

25 _____
26 /s/
27 SUZANNE MORRIS
28 Counsel for the Defendant Juan Jose Plazola
Carrillo

DATED: December 5, 2016

/s/

MARTHA BOERSCH
Counsel for the Defendant Guillermo Cervantes
Perez

1 DATED: December 5, 2016

2
3 /s/
4 JESSIE GARCIA
Counsel for the Defendant Esteban Polanco

5 DATED: December 5, 2016

6
7 /s/
8 ANGELA HANSEN
Counsel for the Defendant Antonio Jose
Cervantes

9
10 **PROPOSED ORDER**

11 Based upon the above-described Stipulation, THE COURT FINDS THAT the ends of justice
12 served by granting a continuance from December 1, 2016 through and including January 24, 2017
13 outweigh the best interest of the public and the defendants in a speedy trial, and that failure to grant such
14 a continuance would unreasonably deny the defendants the reasonable time necessary for effective
15 preparation, taking into account the exercise of due diligence.

16 Accordingly, THE COURT ORDERS THAT:

- 17 1. The parties shall appear before the District Court on January 24, 2017 at 1:00 p.m. for a
18 status conference.
19 2. The period from December 1, 2016 through and including January 24, 2017 is excluded
20 from the otherwise applicable Speedy Trial Act computation, pursuant to 18 U.S.C. § 3161(h)(7)(A) &
21 (B)(iv).

22
23 IT IS SO ORDERED.

24
25 DATED: 12/6/16

26 
HON. KANDIS A. WESTMORE
United States Magistrate Judge